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OFFICE OF PETITIONS

ON PETITION

In re Application of
Harder et al.
Application No. 10/009,930
Filed: November 9, 2001
Attorney Docket No. Mo-6752/LeA 33,583

This is a decision on the petition under 37 CFR 1.137(b), filed February 10, 2004, to revive the above-identified application.

The petition is granted.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 4, 2003, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on November 5, 2003.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the extension of time submitted with the petition on February 10, 2004 was subsequent to the maximum extendable period for reply, the extension of time fee is unnecessary and will be credited to petitioner's deposit account.

The application file is being forwarded to Technology Center AU 1645 for further processing.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

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